



ATTORNEY DOCKET No.: 2003946-0080 (FP04-0096-00US-XX)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yamamoto, et. al.

Examiner: NYA

Serial No: 10/797,903

Group Art Unit: 3612

Filing Date: March 10, 2004

Priority Appln. No.: JP 2003-062823; filed: March 10, 2003

JP 2003-302803; filed: August 27, 2003

Title: c-KIT KINASE INHIBITOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

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November <u>19</u> , 2004	<u>Kathy Hart Gagnon</u>
Date	Signature
	Kathy Hart Gagnon
	Typed or Printed Name of person signing certificate

TRANSMITTAL

In regard to the above-referenced patent application, enclosed please find the following:

1. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (6 pp.);
2. Form PTO-1449 (4 pg.);
3. Cited Art (47 references);
4. Statement of Limited Recognition Under 37 CFR § 10.9(b) (1 pg.); and
5. Return-Receipt Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,
CHOATE, HALL & STEWART

Dated: November 19, 2004

Charles E. Lyon, D.Phil.
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Agent for Applicant
Limited Recognition Under 37 C.F.R. §10.9(b)

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INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

☒ An *original* Information Disclosure Statement; or

☐ A *supplemental* Information Disclosure Statement.

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Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

☒ Before the mailing of a first Office action on the merits; or

☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

☐ Certifies that *either*:

☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or

☐ Includes herewith the fee set forth in § 1.17(p).

☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:

☐ Certifies that *either*:

☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

☒ A copy of each cited reference not indicated with a † is included;

☒ Copies of references indicated with a † on the attached form PTO-1449 are not included because the requirement to provide copies was waived pursuant to USPTO OG Notice of 8/5/03.

☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

☐ Does not contain non-English language citations;

☐ Includes one or more translations of a non-English citation; or

☒ Does contain non-English language citations, of which the following is a concise explanation:

English Abstract for each is provided.

Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).

The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

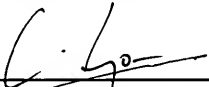
It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

1

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,
CHOATE, HALL & STEWART



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Agent for Applicant
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Dated: November 19, 2004



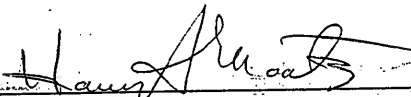
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UNITED STATES PATENT AND TRADEMARK OFFICE

LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)


Charles Lyon is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of the Choate, Hall & Stewart law firm to prepare and prosecute patent applications wherein the patent applicant is the client of the Choate, Hall & Stewart law firm, and the attorney or agent of record in the applications is a registered practitioner who is a member of the Choate, Hall & Stewart law firm. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to the date appearing below: (i) Charles Lyon ceases to lawfully reside in the United States, (ii) Charles Lyon's employment with the Choate, Hall & Stewart law firm ceases or is terminated, or (iii) Charles Lyon ceases to remain or reside in the United States on an H1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the United States Patent and Trademark Office.

Expires: December 1, 2004


Harry I. Moatz

Director of Enrollment and Discipline

		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003946-0080		In re Application No. 10/797,903	
INFORMATION DISCLOSURE STATEMENT <i>(Use several sheets if necessary)</i>				Applicant: Yamamoto, <i>et al.</i>		Filing Date: March 10, 2004	
U.S. PATENT DOCUMENTS							
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass		
	† 4,764,454	Ichijima <i>et al.</i>	August 16, 1988	430	361		
U.S. PATENT APPLICATIONS							
Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:		
FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Document No.	Country	Publication Date	Translation			
				Yes	No		
/A.P./	EP 1 153 920	Europe	14 November 2001				
/A.P./	EP 0 870 842	Europe	14 October 1998				
/A.P./	JP 11-158149	Japan	15 June 1999	Abstract			
/A.P./	JP 2000-328080	Japan	28 November 2000	Abstract			
/A.P./	JP 09-234074	Japan	09 September 1997	Abstract			
/A.P./	JP 09-023885	Japan	28 January 1997	Abstract			
/A.P./	JP 06-153952	Japan	03 June 1994	Abstract			
	WO 04/039782	PCT	13 May 2004	Abstract			
	WO 02/032872	PCT	25 April 2002	Abstract			
	WO 01/47931	PCT	05 July 2001	Abstract			
	WO 01/47890	PCT	05 July 2001	Abstract			
/A.P./	WO 01/45689	PCT	28 June 2001				
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	WO 97/17329	PCT	15 May 1997	Abstract			
OTHER DOCUMENTS							
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)						
/A.P./	Bellone, <i>et al.</i> , "Growth Stimulation of Colorectal Carcinoma Cells via the c-kit Receptor is Inhibited by TGF-β-1", <i>Journal of Cellular Physiology</i> , 172: 1-11, 1997.						

INFORMATION DISCLOSURE STATEMENT

(Use several sheets if necessary)

Applicant: Yamamoto, *et al.*

Filing Date:

Group: 3612

March 10, 2004

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INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)				Applicant: Yamamoto, <i>et al.</i>	
				Filing Date: March 10, 2004	Group: 3612
/A.P./	Kanakura, et al., "Expression, Function and Activation of the Proto-Oncogene c-kit Product in Human Leukemia Cells", <i>Leukemia and Lymphoma</i> , 10 : 35-41, 1993.				
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/A.P./	Okayama, et al., "Human Lung Mast Cells are Enriched in the Capacity to Produce Granulocyte-Macrophage Colony-Stimulating Factor in Response to IgE-Dependent Stimulation", <i>Eur. J. Immunol.</i> 28 : 708-715, 1998.				
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/A.P./	International Search Report issued for related PCT application PCT/JP01/09221.				
/A.P./	International Search Report issued for related PCT application PCT/JP2004/003087				
EXAMINER /Anna Pagonakis/				DATE CONSIDERED 12/05/2007	
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.					